

Trial Section Merits Panel  
BOX INTERFERENCE  
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Paper No. 37

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

JAMES J. HOGAN,  
LYLE J. ARNOLD, JR., NORMAN C. NELSON,  
and ROBERT BEZVERKOV  
(5,424,413 and 5,451,503),

Junior Party,

v.

DONALD L.N. CARDY  
and SABINE Y.J. DELNATTE  
(08/204,372),

Senior Party.

Interference No. 104,299

Before SCHAFER, TORCZON, and GARDNER-LANE, Administrative  
Patent Judges.

TORCZON, Administrative Patent Judge.

**JUDGMENT**

(PURSUANT TO 37 CFR § 1.662(a))

**BACKGROUND**

Senior party Cardy requests entry of adverse judgment in this interference (Paper No. 36). Upon the filing by a party

of a request for entry of adverse judgment, the Board may enter adverse judgment against the party, 37 CFR § 1.662(a).

The Board has not opened or relied upon junior party Hogan's preliminary statement.

ORDER

Upon consideration of the record of this interference, it is—

ORDERED that judgment on priority as to Count 1 is awarded against Cardy;

FURTHER ORDERED that judgment on priority as to Count 2 is awarded against Cardy;

FURTHER ORDERED that Cardy is not entitled to a patent containing claims 1-25 of its 08/204,372 patent application, which correspond to Count 1;

FURTHER ORDERED that Cardy is not entitled to a patent containing claims 28 and 29 of its 08/204,372 patent application, which correspond to Count 2;

FURTHER ORDERED that, based on the record before us, Hogan is entitled to a patent containing claims 1-41 of its 5,451,503 patent, which correspond to Count 1;

FURTHER ORDERED that, based on the record before us, Hogan is entitled to a patent containing claims 1-37 of its 5,424,413 patent, which correspond to Count 2;

FURTHER ORDERED that Hogan's preliminary statement be returned unopened; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of each of Cardy's 08/204,372 patent application and Hogan's 5,424,413 and 5,451,503 patents.

RICHARD E. SCHAFER  
Administrative Patent Judge

RICHARD TORCZON  
Administrative Patent Judge

SALLY GARDNER-LANE  
Administrative Patent Judge

BOARD OF  
PATENT  
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